

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

HOOMAN PANAH, an individual,  
Plaintiff,

v.

STATE OF CALIFORNIA DEPT. OF  
CORRECTIONS AND  
REHABILITATION, et al.,  
Defendants.

Case No. 14-00166 BLF (PR)

**ORDER REQUESTING  
DEFENDANTS TO PROVIDE  
PLAINTIFF WITH COPIES OF  
DOCUMENTS TO ENABLE HIS  
RESPONSE TO WRITTEN  
DISCOVERY; GRANTING MOTION  
TO COMPEL PLAINTIFF'S  
RESPONSE**

(Docket Nos. 150, 151)

Plaintiff, an inmate on death row at San Quentin State Prison ("SQSP") proceeding *pro se*, filed a second amended complaint pursuant to 42 U.S.C. § 1983, alleging unconstitutional acts by SQSP correctional officers. The Court found several of Plaintiff's claims cognizable, and scheduled briefing on the matter. (Docket No. 69.) On October 4, 2019, the Court granted Defendants Anderson, Odom, and Welton's motion to compel Plaintiff's response to their first set of written discovery, (Docket No. 135). and directed them to re-serve the request on Plaintiff. (Docket No. 148.) Plaintiff was advised to respond to Defendants' within thirty days of service. (*Id.* at 2.)

On October 28, 2019, Plaintiff filed a "status report," stating that Defendants are "obstructing Plaintiff's ability to comply with court's 'order.'" (Docket No. 151.) In his

1 response, Plaintiff alleges that “Defendants SQSP/CDCR officials” stole his case related  
2 legal documents, and that he is now being ordered to produce these very documents and  
3 information which they stole from him and his typist. (*Id.*) Plaintiff requests a court order  
4 to provide him copies of the complaint, FAC, SAC, supplemental, and the “original  
5 complaint & FAC.” (*Id.*)

6 Plaintiff’s request for copies is **GRANTED**. In order to enable Plaintiff to respond  
7 to their written discovery, Defendants’ counsel is requested to provide Plaintiff with copies  
8 of the documents he requests from this action, i.e., the original complaint (Docket No. 1),  
9 the FAC (Docket No. 26), the SAC (Docket No. 54), and the Supplemental (Docket No.  
10 67). Defendants are requested to mail copies of the requested documents within seven  
11 days from the date of this order, and file notice with the Court they have complied with the  
12 request; no re-service of their discovery request is necessary since Plaintiff clearly received  
13 Defendants’ request. **Plaintiff shall provide his discovery response to Defendants**  
14 **within thirty days of the date Defendants file their notice of compliance with the**  
15 **Court. Fed. R. Civ. P. 26(a)(1)(C), 33(b)(2). Failure to comply with this order by**  
16 **providing a response to Defendants’ written discovery may result in the imposition of**  
17 **sanctions.** Fed. R. Civ. P. 37(d).

18 Defendants Givens, McClelland, Robberecht, Hamilton, Luna, Chappell, and Ebert  
19 have also filed a separate motion to compel Plaintiff’s responses to written discovery.  
20 (Docket No. 150.) Defense counsel Allison M. Low certifies that she served  
21 interrogatories and requests for production of documents on Plaintiff on August 29, 2019,  
22 and received no response. (*Id.* at 1; Low Decl. ¶ 2, Ex. A.) On October 1, 2019, she wrote  
23 Plaintiff inquiring on the status of his response, providing him a second copy of the written  
24 discovery, and still received no response. (*Id.*; Low Decl. ¶ 3, Ex. B.) Plaintiff has filed  
25 no opposition to Defendants’ motion to contradict counsel’s assertions regarding his  
26 failure to comply with their requests for discovery. Accordingly, having shown that they  
27 first attempted in good faith to confer with Plaintiff pursuant to Rule 37, Defendants’  
28

1 motion to compel is **GRANTED**. Defendants are directed to re-serve Plaintiff with their  
2 requests for written discovery within seven (7) days from the filing of this order. Plaintiff  
3 shall provide his response within thirty days of the date of service of the demand. Fed. R.  
4 Civ. P. 26(a)(1)(C), 33(b)(2). **Failure to comply with this order by providing a**  
5 **response to Defendants' written discovery may result in the imposition of sanctions.**  
6 Fed. R. Civ. P. 37(d).

7 This order terminates Docket No. 150 and 151.

8 **IT IS SO ORDERED.**

9 **Dated: \_November 13, 2019\_**

  
BETH LABSON FREEMAN  
United States District Judge